

SOUTHERN ENVIRONMENTAL LAW CENTER

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July 27, 2021

VIA FOIAONLINE.GOV

Regional FOIA Liaison

U.S. EPA, Region 4

AFC Bldg, 61 Forsyth Street., S.W., 9th Floor

Atlanta, GA 30303-8960

Re: Freedom of Information Act Request: Bridgeport Barge

Dear Ms. Armstrong,

Under the Freedom of Information Act, 5 U.S.C. § 552, as amended, the Southern Environmental Law Center requests any and all documents related to the Bridgeport Barge that released coal ash, or Agremax, off the coast of northeast Florida, after becoming stranded in March 2021.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of the US EPA.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. See 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies or electronic copies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987); *Pederson v. Resolution Trust Corp.*; 847 F. Supp. 851, 855 (D.Colo.1994); *Ellinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers" *Pederson*, 847 F. Supp. at 855.

The EPA's disclosure of the requested documents will contribute to the understanding of a broad audience of persons interested in the subject. SELC intends to use the requested documents to further inform the public about the operations and activities related to the Bridgeport Barge

incident. The requested information is likely to contribute significantly to public understanding of EPA's operations, including measures employed to monitor and protect water quality in the wake of the Bridgeport incident. The water quality concerns following the Bridgeport incident have significant implications to the Southeast.

With over thirty years of experience in disseminating public information regarding environmental issues, SELC is well qualified to disclose and explain the requested information in a manner that will be informative and helpful to the public. SELC is a non-profit public interest organization dedicated to using the power of the law to protect clean air, clean water, and special places throughout the six Southeastern states in which we work, including Georgia. SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved, as well as social media accounts that provide updates on these issues. See, www.southernenvironment.org.

In addition to maintaining its website and social media, SELC frequently publishes reports and issues press releases regarding its projects. In addition, lawyers at SELC are routinely interviewed by the media to explain their work and its significance and speak at conferences on particular topics. SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

SELC's request would serve no commercial interest. SELC, a non-profit public interest organization, lacks any commercial interest in the records, and none of its clients have any such interest. SELC does not charge its clients for legal advice or representation; instead, SELC provides such advice and representation free of charge within the scope of its mission.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I ask that you contact me before processing this request if the fee is expected to be in excess of \$200.00. SELC reserves its right to appeal a fee waiver or reduction denial.

Thank you for your timely consideration of this request. If possible, please send all responsive records in electronic format to me at mhuynh@selcga.org. Alternatively, I can send you a ShareFile link to transfer the files if they are too large for email. Please contact me at (404) 521-9900 or mhuynh@selcga.org if there are any questions or concerns regarding requested materials or the information necessary to evaluate the fee waiver request.

Sincerely,

A handwritten signature in cursive script that reads "Megan Huynh".

Megan Huynh
Senior Attorney